

## **COUNCIL COMMUNICATION**

<b>DATE:</b> 07-21-03	<b>SUBJECT: FINAL READING ORDINANCE 2003-0-166</b> Authorizing the City Manager to execute a lease with AT&T Wireless Services of San Antonio, Inc. a Texas Corporation dba AT&T Wireless for approximately 20 x 20 feet of ground space (as amended) at the South Milmo Water Station located on South Milmo and Monterrey, Laredo, Webb County, Texas and being more fully described in Exhibit "A" of lease agreement to construct on such premises a 120 feet self-supporting type tower and related equipment building for use with its communications business. Term of the lease is five (5) years commencing July 21, 2003 And ending July 20, 2008 with four (4) successive renewal terms of five (5) years. Annual base rent shall be \$8,652.00 each year during the term of the lease and will be increased by four percent (4%) on each anniversary of the commencement date, providing for effective date.
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**INITIATED BY:**  
Larry Dovalina, City Manager

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**STAFF SOURCE:**  
Larry Dovalina, City Manager

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**ACTION PROPOSED:** That the City Council approve the final reading of this ordinance.

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**BACKGROUND:**

The Telecommunications Commission has proposed the use of City of Laredo property to promote the orderly growth and placement of cellular tower sites in our municipality. City staff has diligently attempted to regulate the proliferation of towers in our community by promoting the use of water tanks and other structures.

The City currently has seven leases with United States Cellular, seven with Southwestern Bell/Cingular Wireless, four with Texas Telecommunications, four with American Tower, one with Towers of Texas, four with Nextel Partners, one with Voicestream, and three with Verizon Wireless.

The Telecommunications Commission at its May 20, 2003 meeting approved a motion to recommend approval by City Council.

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**FINANCIAL:** The city will receive an annual rent of \$8,652.00 with a 4% increase each succeeding year. Rent will be credited to General Fund-Telecommunications Revenue line item 101-0000-361-2006.

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**RECOMMENDATION:**  
The Telecommunications Commission recommends approval.

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**STAFF:**  
Staff concurs with the recommendation of the commission.

**ORDINANCE 2003-0-166**

**AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH AT&T WIRELESS SERVICES OF SAN ANTONIO, INC., A TEXAS CORPORATION D/B/A AT&T WIRELESS FOR APPROXIMATELY 20 X 20 FEET OF GROUND SPACE AT THE SOUTH MILMO WATER STATION LOCATED ON SOUTH MILMO AND MONTERREY, LAREDO, WEBB COUNTY, TEXAS AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" OF LEASE AGREEMENT TO CONSTRUCT ON SUCH PREMISES A 120 FT. SELF-SUPPORTING TYPE TOWER AND RELATED EQUIPMENT BUILDING FOR USE WITH ITS COMMUNICATONS BUSINESS.**

- 1. TERM OF THE LEASE IS FIVE (5) YEARS COMMENCING ON JULY 21, 2003 AND ENDING JULY 20, 2008, WITH AN OPTION FOR FOUR (4) SUCCESSIVE RENEWAL TERMS OF FIVE (5) YEARS.**
- 2. THE ANNUAL BASE RENT SHALL BE \$8,652.00 EACH YEAR DURING THE TERM OF THE LEASE AND WILL BE INCREASED ON EACH ANNIVERSARY OF THE COMMENCEMENT DATE BY FOUR PERCENT (4%), PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS, the Telecommunications Commission recommends that the City Council approve the proposed lease between the City of Laredo ("Landlord") and AT&T Wireless Services of San Antonio, Inc., a Texas Corporation d/b/a AT&T Wireless ("Tenant"), for space at the South Milmo Water Station, located South Milmo and Monterrey, Laredo, Webb County, Texas, to construct on such premises a one hundred twenty (120) foot high self-supporting type tower ("Tower") and related equipment building for use with its communications business, as a contract and in furtherance of the development of the City of Laredo Telecommunications infrastructure.**

**WHEREAS, the Telecommunications Commission finds that said lease and contract are in the best interest of the City of Laredo and**

**WHEREAS, the City Council of the City of Laredo is of the same opinion.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:**

**Section 1.** The City Manager be and is hereby authorized to execute a lease with AT&T Wireless Services of San Antonio, Inc., a Texas Corporation dba AT&T Wireless for approximately 20 x 20 feet of ground space at the South Milmo Water Station located on South Milmo and Monterrey, Laredo, Webb County, Texas and being more fully described in Exhibit "A" of lease agreement to construct on such premises a 120 feet self-supporting type tower and related equipment building for use with its communications business, a copy of which lease is attached hereto as Exhibit A and incorporated herein as if set out at length for all intents and purposes.

**Section 2.** This Ordinance shall become effective upon passage hereof.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON  
THIS THE \_\_\_\_\_ DAY OF JULY 21, 2003.**

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**ELIZABETH G. FLORES  
MAYOR**

**ATTEST:**

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**GUSTAVO GUEVARA, JR.  
CITY SECRETARY**

**APPROVED AS TO FORM:**

**JAIME L. FLORES  
CITY ATTORNEY**

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**BY: ALLAN W. MCGRAW  
ASSISTANT CITY ATTORNEY**